Special Committee

on

Constitutional Matters

REPORT

British Columbia

and the

Canadian Federation

April 2, 1992

Ms. Joy MacPhail, MLA
Mr. Dale Lovick, MLA
Co-Chairpersons

Mr. Gary Farrell-Collins, MLA
Deputy Co-Chairperson

Parliament Buildings,
Victoria, British Columbia

April 2, 1992

To The Honourable,
Legislative Assembly of British Columbia,
Victoria, British Columbia

Honourable Members:

We have the pleasure to present you with the **Report** of the Special Committee on Constitutional Matters appointed on March 17, 1992 to consider the state of the Canadian federation and British Columbia's role in it.

Assisted by the work undertaken by the Members' Committee on the Constitution during the period January 9 to March 17, 1992 and the Select Standing Committee on Constitutional Matters and Intergovernmental Relations of the Fifth Session of the Thirty-fourth Parliament the Special Committee on Constitutional Matters believes that this document reflects the predominant mood on constitutional renewal throughout the province.

Respectfully submitted on behalf of the Committee,

Ms. Joy MacPhail, MLA
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TERMS OF REFERENCE

On Thursday, January 9, 1992, the Honourable Moe Sihota, Minister Responsible for Constitutional Affairs asked Members of the Legislative Assembly of British Columbia to form a Members' Committee on the Constitution with the following terms of reference:

1. *to provide advice to the Minister Responsible for Constitutional Affairs (the government) on matters of Canada's Constitution;*

2. *to receive representations and expressions of views from individuals and groups within British Columbia;*

3. *to provide advice to the government on the most effective and appropriate process for ensuring that the views and values of British Columbians are clearly reflected in British Columbia's position on constitutional issues;*

4. *to provide advice to the government on the most effective and appropriate means for convening a constitutional conference representing the views of British Columbians;*

5. *to review and report on proposals for constitutional change brought forward within British Columbia or elsewhere in Canada;*

6. *to provide advice on the most effective and appropriate means of enhancing the levels of awareness and knowledge of British Columbians concerning the issues involved; and*

7. *to hear evidence from experts on the issues likely to be subject to Constitution negotiations in the coming months.*

In addition to the preceding terms of reference and in the absence of an instruction from the House, Ms. Joan Sawicki, MLA, in her capacity as the Speaker-Designate conferred upon your Committee its ability to adjourn from place to place and incur actual and reasonable expenses as a consequence of fulfilling its terms of reference.

On March 17, 1992 the Members' Committee on the Constitution became the Special Committee on Constitutional Matters created by the Legislative Assembly with the following terms of reference:

That a Special Committee on Constitutional Matters, for the present Session, be appointed and empowered to examine and inquire into all such matters and things as shall be referred by this House, and without limiting the generality of the foregoing, to consider the state of the Canadian federation and to consult broadly with British Columbians to determine their views on:

(a) the social and economic interests and aspirations of British Columbians and other Canadians within the federation; and

(b) the form of federation that can most effectively meet the social and economic aspirations of British Columbians and all Canadians;

and to report from time to time its observations and opinions thereon, with power to send for persons, papers and records.

The said Committee may review and report on proposals for constitutional change brought forward within British Columbia or elsewhere in Canada.

The said Committee shall have the powers of a Select Standing Committee and in addition is empowered:

(a) to sit during a period in which the House is adjourned, during the recess after prorogation until the next following Session and during any sitting of the House;
(b) to adjourn from place to place as may be convenient;
(c) to appoint of their number one or more subcommittees and refer to such subcommittees any of the matters referred to the Committee;
(d) to retain such personnel as required to assist the Committee; and
(e) to release any reports during a period when the Legislative Assembly is adjourned or prorogued by depositing a copy with the Clerk of the Legislative Assembly and, upon the resumption of the sittings of the House, a Co-Chairperson of the Committee shall present all reports to the Legislative Assembly ...

COMPOSITION OF THE COMMITTEE

Ms. Joy MacPhail, MLA (**Co-Chairperson**)
(Vancouver-Hastings)

Mr. Gary Farrell-Collins, MLA (**Deputy Co-Chairperson**)
(Fort Langley-Aldergrove)

Mr. Dale Lovick, MLA (**Co-Chairperson**)
(Nanaimo)

Mr. Jeremy Dalton, MLA
(West Vancouver-Capilano)

Honourable Moe Sihota
(Esquimalt-Metchosin)

Ms. Lynn Stephens, MLA
(Langley)

Ms. Gretchen Brewin, MLA
(Victoria-Beacon Hill)

Mr. Allan Warnke, MLA
(Richmond-Steveston)

Mr. Ujjal Dosanjh, MLA
(Vancouver-Kensington)

Mr. Jim Doyle, MLA
(Columbia River-Revelstoke)

Mr. Cliff Serwa, MLA
(Okanagan-West)

Mr. Helmut Giesbrecht, MLA
(Skeena)

Mr. Richard Neufeld, MLA
(Peace River North)

Ms. Sue Hammell, MLA
(Surrey-Green Timbers)

Ms. Shannon O'Neill, MLA
(Shuswap)

Craig James
Clerk of Committees

Joan Molsberry
Committee Clerk (Adm)

Suzanne Murphy
Hansard Senior Editor

ACKNOWLEDGMENTS

Your Committee would like to thank the people of British Columbia who attended the committee meetings held throughout the Province. The public continues to contact the Office of the Clerk of Committees on matters related to the Canadian Constitution and British Columbia's role in the Canadian Federation. During the period January 9, 1992 through April 1, 1992 more than 3500 telephone calls were fielded by the Office of the Clerk of Committees, more than 500 people appeared before the Committee [more than 2000 attended the various meetings], more than 400 written submissions were received, acknowledged and analysed, including correspondence related to the constitution forwarded by the Office of the Premier and the Minister Responsible for Constitutional Affairs, and more than 1100 questionnaires prepared by the Committee were distributed.

Your Committee, at the beginning of a new Parliament, wishes to note the harmony with which each Member of your Committee brought to bear upon these deliberations. As well, your Committee appreciates the administrative and procedural support provided by the Office of the Clerk of Committees and the assistance of the Legislative Library and Hansard.

The Knowledge Network deserves special recognition for its valuable and provocative proposals to the Committee related to television programming on the constitution and British Columbia's place in it.

ORGANIZATION

On Thursday, January 16, 1992, your Committee first met and elected Ms. Joy MacPhail, MLA and Mr. Dale Lovick, MLA as its Co-Chairpersons with Mr. Gary Farrell-Collins, MLA being elected your Committee's Deputy Chairperson. Mr. Gordon Wilson, MLA was substituted by Ms. Lynn Stephens, MLA as a Member of the Committee. On Opening Day, the Committee's terms of reference specified the Co-Chairpersons - Ms. Joy MacPhail, MLA and Mr. Dale Lovick, MLA with Mr. Gary Farrell-Collins, MLA designated the Deputy Co-Chairperson.

METHOD OF OPERATION

In total and since January 9, 1992 the Committees have received the views of over 1000 individuals, groups, associations and businesses. In consideration of fiscal prudence, your Committee decided to invite several categories of witnesses, initially, in an effort to expedite the process of constitutioanl consultation, recognizing the limited time available to it in the preparation of the **Interim Report**. The Special Committee on Constitutional Matters added to the list of meetings including public hearings arising out of its terms of reference, which has culminated in this Report.

The following 37 meetings were held by the Committee since January 9, 1992:

Thursday, January 16, 1992	Victoria	*Business Meeting* 3
Tuesday, January 21, 1992	Victoria	*Business Meeting* 3
Friday, January 24, 1992	Calgary	*Business Meeting* 1,3
Saturday, January 25, 1992	Calgary	*Business Meeting* 1,3
Sunday, January 26, 1992	Calgary	*Business Meeting* 1,3

Monday, January 27, 1992	Victoria	*Roundtable Discussion* 2 ,3
Tuesday, January 28, 1992	Victoria	*Roundtable Discussion and Business Meeting* 3
Wednesday, February 5, 1992	Vancouver	*Roundtable Discussion and Business Meeting* 3
Thursday, February 6, 1992	Victoria	*Roundtable Discussion and Business Meeting* 3
Friday, February 7, 1992	Toronto	*Business Meeting* 1,3
Saturday, February 8, 1992	Toronto	*Business Meeting* 1,3
Sunday, February 9, 1992	Toronto	*Business Meeting* 1,3
Tuesday, February 11, 1992	Victoria	*Roundtable Discussion and Business Meeting* 3
Wednesday, February 12, 1992	Victoria	*Roundtable Discussion and Business Meeting* 3
Friday, February 14, 1992	Vancouver	*Roundtable Discussion and Business Meeting* 3
Saturday, February 15, 1992	Vancouver	*Business Meeting* 1,3
Wednesday, February 19, 1992	Victoria	*Roundtable Discussion and Business Meeting* 3
Wednesday, February 26, 1992	Victoria	*Business Meeting* 3
Monday, March 9, 1992	Prince Rupert	*Public Meetings* 3
	Kitimat	*Public Meetings* 3
Tuesday, March 10, 1992	Quesnel	*Public Meetings* 3
	Burns Lake	*Public Meetings* 3
Wednesday, March 11, 1992	Fort St. John	*Public Meetings* 3
	Dawson Creek	*Public Meetings* 3
Thursday, March 12, 1992	Revelstoke	*Public Meetings* 3
	Trail	*Public Meetings* 3
Friday, March 13, 1992	Vernon	*Public Meetings* 3
	Penticton	*Public Meetings* 3
Thursday, March 19, 1992	Port Alberni	*Public Meetings* 4
	Campbell River	*Public Meetings* 4
Friday, March 20, 1992	Langley	*Public Meetings* 4
	Port Coquitlam	*Public Meetings* 4
Saturday, March 21, 1992	Vancouver	*Public Meetings* 4
Monday, March 23, 1992	Victoria	*Public Meetings* 4

Friday, March 27, 1992	Victoria	*Business Meeting*	4
Monday, March 30, 1992	Victoria	*Business Meeting*	4
Tuesday, April 1, 1992	Victoria	*Business Meeting*	4

1. Renewal of Canada Conference; subcommittee meetings
2. Special Joint Parliamentary Committee on a Renewed Canada
3. Members' Committee on the Constitution
4. Special Committee on Constitutional Matters

INTRODUCTION

This Report is based on the contributions of thousands of British Columbians. The Special Committee on Constitutional Matters was created by a Motion of the Legislative Assembly on Tuesday, March 17, 1992. This Committee, however, was instructed to carry on the work of the Members' Committee on the Constitution which had been appointed on January 9, 1992, at the request of the Honourable Moe Sihota, Minister Responsible for Constitutional Affairs. That Committee, in turn, had been instructed to carry on the work begun by the Select Standing Committee on Constitutional Matters and Intergovernmental Relations that reported on August 15, 1991 -- before the provincial election and the change of government.

The **Report of the Special Committee on Constitutional Matters** presented here is therefore based on submissions from British Columbians over a period of almost one year. We have had the benefit of expert testimony from dozens of witnesses, we have received formal submissions from hundreds of groups and organizations, we have received completed questionnaires from hundreds of individuals, and we have listened to large numbers of citizens.

More than 150 years ago, in the wake of rebellions in both Upper and Lower Canada, Lord Durham visited Canada. In an observation that has now become famous, Durham stated that he had expected to find *a contest between a government and its people* but, instead, had found *two Nations warring in the bosom of a single State*. The Special Committee on Constitutional Matters, alas, seems to have found both.

There is no question that the atmosphere in which our constitutional deliberations have been clouded by other national political issues including economic problems, bilingualism, and a sense of alienation of our region from the central government. The process of constitutional renewal, which ought to manifest a sense of shared purpose and commitment, has instead produced a forum for the expression of dissent and dissatisfaction.

The Committee is concerned that the participants were not more representative of the total population. Regrettably, participation by women, visible minorities, aboriginals, or young people was limited.

The Report that follows, in keeping with our mandate, is based on broad consultation with British Columbians. We have endeavoured to determine and to report on the views of our fellow citizens on the social and economic interests and aspirations of British Columbians and other Canadians within the federation, and on the form of federation that can most effectively meet the social and economic aspirations of British Columbians and all Canadians.

This Report consists of eight specific sections:

1. **Fundamental Principles for a Renewed Constitution**

2. **Distinct Society**
3. **Amending Formula**
4. **The Senate**
5. **Division of Powers**
6. **Social Charter**
7. **Aboriginal Rights**
8. **The Process for Constitutional Renewal**

It is the hope of this Committee that this Report will assist the government and the people of British Columbia in creating a Constitution that will reflect the values we hold today as well as our hopes for our children.

FUNDAMENTAL PRINCIPLES OF A RENEWED CONSTITUTION

The issues involved in the amendment of the Constitution are complex ones. Many will recall that during the period following the initial Meech Lake agreement we routinely saw experts disputing the meaning of various clauses of that agreement. Understandably, then, people wondered how the citizens could be expected to make an informed judgement. "If the so-called experts can't agree, what am I supposed to do?"

Constitutional complexity has, in the past, excluded people from the process of amendment. **In our view there has not been sufficient attention paid in the past to how British Columbians can play a meaningful role in the process of amending what is, after all, their Constitution.**

We believe that the solution lies in determining certain general principles that have wide support in the population. These principles should be both straightforward and readily understood. Proposed amendments to the Constitution can then be easily measured against these principles and rejected or accepted on that basis.

Based on the hundreds of submissions, oral and written, that our Committee has received, the following are fundamental principles on which the Constitution should be based:

1. **Individual freedoms must be respected, protected and promoted by our governing institutions.**

2. **Each person should receive equal treatment from government.**

3. **Minorities, including linguistic, racial and religious, must be guaranteed their right to full participation in society and be protected from being dominated by the majority.**

4. **The historic claims of the aboriginal peoples of Canada must be met in fair and just settlements.**

5. **The common social values of Canadians, based on caring for our fellow citizens and tolerance of our differences, should be affirmed.**

6. **A strong, united Canada must be based on a vibrant economy that creates jobs and opportunities in all regions of the country.**

7. **The process of amending the Constitution must be open and subject to democratic approval.**

The Constitution of Canada is the fundamental law of our country. As such, it should not be based on the lowest common denominator or the minimum acceptable. Rather, it should embrace and embody the principles

that reflect the highest aspirations of Canadians.

DISTINCT SOCIETY - QUEBEC'S PLACE IN CANADA

The phrase *distinct society* gives new meaning to the concept of multiplier effect: seldom have two words generated as many words and concerns and anxieties as these.

Almost everyone who objected to the distinct society as proposed in the Special Joint Parliamentary Committee (Dobbie/Beaudoin) nevertheless agreed, when questioned, that Quebec was different from other provinces, because of its language, its culture, and its French civil law tradition. People also stated they had no problem with the distinct society provision if adequately defined so as to ensure no special powers for Quebec.

Witnesses before our Committee were in general agreement that they opposed special status for any province. It was stated time and again that all Canadians are equal and that no single part of the federation should enjoy powers unavailable to other governments.

It is worth recalling that, in British Columbia at least, a comparable level of anxiety and concern was expressed during the Meech Lake debate. At that time, the fear was expressed that a distinct society clause would grant the Province of Quebec special powers and that the clause would also override the *Charter of Rights*.

The Special Joint Parliamentary Committee has made recommendations that change several aspects of the original (Meech Lake) distinct society clause. The placement of the clause within the *Charter of Rights*, for example, should go some way towards calming the fears of those who saw in the Meech Lake agreement the possibility of special legislative powers flowing to the Province of Quebec. Similarly, the more rigorous definition of distinct society (a French-speaking majority with a unique culture and civil law tradition) ought to ease the concern that the distinct society clause would amount to an empty vessel soon to be filled with special powers.

This Committee accepts and endorses the need for Quebec to protect its language, culture and unique civil law jurisdiction. Quebec is the only political jurisdiction in the North America where French is the majority language; the province, therefore, has a special responsibility to ensure the survival and vibrancy of its valuable culture and language.

The final concern expressed about distinct society is that it will permit actions to be taken by the Quebec government that will negatively affect the English-speaking minority of that province and the aboriginal people. We would therefore recommend that either as part of the distinct society clause itself, or as part of the proposed Canada clause, the right of the English-speaking and aboriginal minorities in Quebec to self-affirmation and development should be recognized.

Canada is defined by its diversity. We are a fabric made up of many fibres. The recognition and preservation of one strand should not amount to -- or be seen to amount to -- the enforcement of conformity where diversity has traditionally flourished. This is true in all of Canada and should remain true within Quebec.

AMENDING FORMULA

The majority of British Columbians who wrote to us or appeared before us indicated that all provinces, territories and the federal government should have an equal say in amending our Constitution. Over and over, they stated that one province should not be able to veto proposed changes to the Constitution.

Currently, the Constitution can generally be amended by the so-called 7 and 50 formula, where 7 provinces

containing at least 50% of the population of Canada can make amendments. In a few key areas representing central institutions of the country, unanimity by all provinces is required.

Because Quebec has expressed a desire to have a veto on changes to certain central institutions, namely the Senate, the House of Commons and the Supreme Court of Canada, a great deal of concern has arisen outside of that province which was reflected by the many presentations of British Columbians. Many people suggested that a "Quebec veto" could stymie future constitutional development in Canada and would give that province a power that no others would have.

In our view, the term "Quebec veto" has become emotionally loaded, with its suggestion that the rest of Canada would forever after be held hostage by the whims of one province. However, we stress that the position of Quebec is that only those changes to central institutions that affect the representation of all regions of Canada be subject to a veto by Quebec. In our view, there are strong arguments in favour of making it difficult to amend these three central institutions. Canada is a federal state, with some responsibilities allocated to the provinces and some to the federal government. The central institutions of the federation have a large influence over every region. It is possible that these central institutions could be changed through the current 7 and 50 formula to greatly reduce the representation and influence of not only Quebec but of other regions as well. Given the potential wide-ranging impact of changes to these institutions, we believe that changes should only be made that have widespread support in every region of Canada.

When discussing the constitutional amending formula, people worried that Quebec would be getting a power that other provinces would not get. If this were proposed, we too would oppose it. It is in the interests of British Columbians that our province too, have the power to veto changes to the central institutions. For example, if in the future the House of Commons were to have its representation changed so as to skew the numbers of seats towards smaller provinces, British Columbia would like to have the power to review this to determine whether it would be in the best interest of our province. If it was proposed that the Senate be abolished, British Columbia would need the opportunity to decide whether such a change without reforming the House of Commons would be desirable. If the Supreme Court of Canada had part of its authority diluted by the creation of a separate constitutional court, which has often been suggested, or for the numbers of justices to be increased, British Columbia would have its own perspective to bring to the debate, a perspective which in our view should not be overridden in a 7 and 50 agreement.

The Province of British Columbia should not agree to an elected Senate or to changes to the Supreme Court until the amending formula has been resolved. There is a clear link between reform of these institutions and a new amending formula and neither can proceed without the other.

Thus we oppose a Quebec-only veto in amending these central institutions. We endorse a veto for all provinces over changes to these same institutions. **Thus we endorse a requirement for unanimous consent for amendments to the House of Commons, the Senate and the Supreme Court of Canada.**

Finally, we note that there are several problems with the current amending formula.

First, it ignores the needs of aboriginal people. Amendments concerning s. 91(24) of the *Constitution Act 1867* and changes to s. 35 of the *Charter of Rights* cannot be made without the consent of aboriginal people. However, other key changes can be made which could have a great impact on aboriginal people but do not require aboriginal consent. As well, the method of obtaining aboriginal consent has not been worked out. When aboriginal self-government becomes a reality, there must be a practical and legitimate method whereby the consent of aboriginal governments can be obtained for amendments to the Constitution.

Second, the future development of the territories has been greatly hindered by the current amending formula. The current formula allows borders of a province to be expanded following the consent of the federal

government and that province. Thus, there exists the possibility that provinces could increase their size at the expense of the territories without the consent of territorial governments. This is an anomaly that should be corrected in the amending formula.

More serious for the territories is the requirement that the federal government and all the provinces must agree before the territories can become provinces. This was a change to Canada's traditions that was made at the time of the patriation of the Constitution in 1982. No other province has needed the consent of any government except the federal government when being admitted to provincehood. In fact, the federal government has moved repeatedly since 1867 to create new provinces and expand the boundaries of existing ones unilaterally.

We recommend that the creation of new provinces should be returned to the pre-1982 practice.

THE SENATE

The Senate in its present form is unacceptable. That is the virtually unanimous opinion of British Columbians who made their views known to our Committee.

Finding a consensus or even a majority opinion on just what ought to be done to make the Senate acceptable, however, is much more difficult. The majority opinion advocated reform of the Senate, based on some variation of a Triple E model (elected, effective, equal). Many others believed the Senate should be abolished.. In fact, the Committee heard more than a score of specific proposals to reform the Senate.

Senate reform ranks very high on the political agenda of British Columbians, and because the subject is complex, this section of our Report provides a more extensive commentary on the subject.

The creation of an effective upper house resembling a republican style of government would undermine our Canadian system of responsible government. The House of Commons is a confidence chamber, empowered under our parliamentary system of government to choose the prime minister and cabinet who then set policies and budgetary priorities for the federal government. The House of Commons must retain these powers and remain responsible to the electorate for exercising them. Our system is not one of formal "checks and balances". We have no equivalent to an elected presidency because our executive is wholly dependent on retaining the confidence of the House of Commons.

Advocates for an "effective" Senate must deal with the fact that it has the capacity to seriously disrupt the efficient functioning of government. At a time when the public's desire for more efficient and less confrontational government is at an historical high, an effective Senate may add further obstacles to the goals of less wasteful and more flexible government.

Our current system of government is very clear on who assesses taxes, sets budgets and federal priorities. However, if these taxes, budgets and priorities can be overridden by an effective upper house, which chamber is responsible to the public? Confusion may result, especially if an opposition party controls the upper chamber and the result could be a deadlock.

Many people advocate the need for an "equal" Senate. They say the Senate should be comprised of equal numbers of representatives from each province. Indeed, this was the majority opinion the Committee heard. We see problems with this proposal for Senate reform, especially since this proposal might be contrary to the interest of British Columbia.

British Columbia is the third largest province in Canada and our population makes up approximately 12% of Canada's. In the future, our share of the national population will grow, as a disproportionate share of new

immigrants to Canada choose British Columbia as their home, as do a growing number of Canadians from other provinces. In addition, we have the third-highest Gross Domestic Product per capita in Canada and have been a net contributor to equalization programs since their inception.

While the traditional dominance of Central Canada over British Columbia, which has at least a democratic foundation, would be replaced, British Columbia is vulnerable to being dominated by the six smallest and least populated provinces of Canada.

Given the size of British Columbia's population, and our relative economic strength, we have concerns that it is not in the interest of our population that the federal agenda be set by a majority made up of representatives from the six smallest and least populated provinces. If the Senate were to be made up of equal numbers of Senators from each province, Senators representing less than 30% of the Canadian population would have an absolute majority in the upper chamber. In our view, this could seriously affect the economic development and tax burden in British Columbia, both to our detriment.

Finally, it is proposed that the Senate be elected. While this would be an obvious improvement in democratic terms over the existing Senate, it could create other problems. The present Senate costs approximately $44 million a year to maintain. If Senators were elected, they would need resources similar to those of MPs in order to properly service their new constituents. This would significantly increase the cost of federal government. If we could see a valuable role of such a body in the federal government, then the cost would be acceptable.

It was occasionally suggested in the context of senate reform that political parties would provide lists for an elected Senate but many expressed the preference for the election of Senators unaffiliated with any party. The latter may be impractical, and the former option could be considered only after political parties are examined in detail in the context of extensive electoral reform. The current Royal Commission on Electoral Reform and Party Financing may be seen as a complement to political reform.

Further, most people expressed their opposition to lifetime senate appointments, and this Committee concurs.

Our Committee was confronted with the dilemma: if the Senate becomes truly effective, it may hinder the operation of government; if ineffective, then the role of the Senate may be redundant and a bare improvement on the present system.

In our view, the concerns over domination of Confederation by Ontario and Quebec are legitimate. The different needs of the regional economies, the tendency for members of federal boards and commissions to be overwhelmingly drawn from Central Canada, and the mandates of "national" programs that reflect the nation as seen from Sussex Drive, are all reasons to demand reforms to the makeup of Canada. Moreover, the actions of the federal government in recent years, which have included the passage of the Free Trade Deal and the Goods and Services Tax over the objections of the majority of Canadians, suggest that electoral reform is necessary. The waste of the resources and abilities of Members of Parliament languishing on the backbenches or in opposition, demands there should be changes in how the House of Commons functions.

All of these are legitimate concerns. Yet these problems may not be solved by a Triple E Senate. If a Triple E Senate has the power to stop all bills, government may be stymied; if it only has the power to suspend bills, the representation by population House of Commons dominate.

Whether it is the Triple E concept of Senate reform, or the concept of proportional representation, or aspects of republican or congressional models of government, the implications of such concepts need to be further examined before a definitive position is adopted.

Nonetheless, we recognize that the government of British Columbia is engaged in negotiations with many other players and faces strong pressures to approve some form of an elected upper chamber. If no concensus emerges

on reforming the Senate, then we should abolish it.

We recommend the Senate should be reformed on the following principles:

1. **The Senate should be elected with no more members than at present, preferably fewer.**

2. **There should be an attempt to achieve regional equality in the Senate, based on the following five regions:**

   (a) **British Columbia/Yukon**
   (b) **Alberta, Saskatchewan, Manitoba/Northwest Territories**
   (c) **Ontario**
   (d) **Quebec**
   (e) **New Brunswick, Nova Scotia, Prince Edward Island, Newfoundland and Labrador**

3. **The Senate should not be a confidence chamber, nor should it be permitted to prevent the passage of tax bills. The Senate should only have a suspensive veto over other types of legislation.**

4. **The term of a Senator be limited to somewhere between a four year and six year term before re-election.**

DIVISION OF POWERS

The relationship between our federal government and the provinces could be seen as most important to the ordinary British Columbian in the area of what is known as Division of Powers.

It is a complex, technical and sometimes overlapping area of constitutional debate and therefore many people who appeared before us chose not to spend much time on the topic.

We were fortunate, though, to receive the opinions and advice of a broad range of constitutional academics and lawyers and the views of organizations all of whom had thoroughly considered the division of powers between the federal government and the provinces.

The major amendments to the Constitution before patriation concerned changes to the division of powers. There has been a continuous reevaluation of which level of government is best suited to achieve results in program delivery and spending that will be in the national interest.

In the current round of constitutional negotiations, we recommend that British Columbia express a new vision of Canada that will both ensure national unity and regional vitality. It is essential that there be national programs with shared standards among the provinces in key areas of the economy. We believe that a national economic space must be preserved in Canada that is distinct from the American economy that borders ours. We believe that the national government must be strong, with sufficient powers to help build a national economy that reaches out to an interdependent world economy. This view was reinforced by those who made submissions to us.

But we also believe that much of Canada's economic activity takes place on a regional, provincial and local level. British Columbia's economy depends more on trade with the Pacific Rim than it does on trade with the U.S., and both of these trading partners dwarf our trade with other parts of Canada. Our economy is highly dependent on the forestry, fishery and mining industries, much more so than in other regions of Canada. We

have a rapidly growing and multicultural work force, with high needs for training in English as a second language. Our economy has large regional differences within the province; we have a metropolitan harbour city and diverse island, interior and northern communities.

Many federal programs have failed to adequately reflect the diverse needs of the British Columbia economy. Immigration programs have not paid sufficient attention to skills needed in British Columbia, nor have they provided resources to ensure rapid integration of new Canadians into our educational system and into jobs. Labour force training has failed to meet the needs of our province in making the transition from resource-based to knowledge-based industries.

Regional economic development programs of our federal government often appear to be designed to promote the exports of central Canadian industries to other provinces rather than to stimulate the growth of regional economies. As well, the exercise of some federal powers inhibits provincial economies. For instance, federal fisheries management has proved disastrous in the Atlantic fishery and has not stimulated a sufficient processing industry on the British Columbia coast. Fisheries management, harbour regulation and housing policy, to name some powers, could be devolved to the provinces for better and more effective response to local needs.

In all of these areas, the federal presence has hindered development, rather than encourage it. Canada is loaded with debt and the country faces unprecedented challenges to its economic health from abroad; it makes little sense for two governments to provide parallel programs. British Columbians remind us that there is after all only one pocket to fund government services. It makes little difference whether taxes are paid to one level of government or another as long as responsive and efficient services are provided in return.

The federal role in the economy is to provide international leadership; a sound currency; regulation of interprovincial trade; maintenance of national transportation links, communication and energy infrastructure; and equalization payments to ensure reasonably comparable fiscal capacity in all provinces. But the federal government does not need to be directly involved in labour training, regional economic development, harbours, inland and coastal fisheries, small business development, etc. In these areas, there is not a national interest that must be protected by keeping the involvement of the federal government. In fact, in these areas of the economy, national programs with fixed criteria can hinder the development of local and regional economies by attempting to shoehorn widely disparate service groups into the same size 8 boot.

There has been opposition to allowing the provinces to have an active role in these areas from the smaller and poorer provinces in Canada. They have argued that because they do not have the fiscal capacity to fund such programs, or because their populations are too small to benefit from economies of scale in administering the programs, the power and tax authority must remain with the federal government.

The concerns of the poorer regions of Canada are justified and must be addressed. British Columbians are committed to eliminating the disparities in regional economies. However, provinces that feel they are capable of administering these programs should be given the opportunity to do so without undermining the continued administration of the same programs by the federal government.

Some are concerned that provincial jurisdiction over some aspects of economic development will undermine the national economy. However, we recognize that Canada is now and always has been made up of regional economies. The manufacturing centres of southern Ontario; the hydro and mining industries of northern Quebec; the Atlantic fishery and prairie grain farmers are all largely linked to international markets, not to the Canadian market. While the federal government must be strong in the areas we have listed above and encourage the dropping of interprovincial trade barriers, there cannot be one economic development strategy to deal with the widely disparate needs of the regions of Canada.

We do not propose that the federal government vacate these areas entirely. Rather, only those provinces that

believe they can do a better job than the federal government will use these powers, while those provinces that do not wish to do so can leave administration with the federal government.

Our suggested mechanism for achieving the transfer of powers to the provinces is to create a class of powers that are awarded concurrently to the provincial and federal governments, with provincial laws to prevail over those of the federal government. If a province chooses to accept jurisdiction over one of these concurrent powers, then the federal government should be obliged to make tax room for that province. Otherwise, devolution of powers will simply be an opportunity for the federal government to transfer its deficit problems onto the provinces, as we have seen repeatedly in recent years. Those provinces who want the federal government to remain involved in certain areas could choose not to legislate, leaving federal laws and federal administration of programs paramount.

There have been concerns raised in the past that such a system would lead to a patchwork of administration across the country, with varying forms of programs in each province. In our view, a "patchwork" is exactly what is necessary to respond to regional differences and needs. That indeed is what is contemplated by having a system of federal government. In the provinces' field of jurisdiction, which encompasses a large segment of the economic, social and cultural life of our country, our system recognizes that regional and local needs vary and that government programs must also vary to adequately address those needs. We believe that certain economic development powers should also be administered at the provincial level, thus permitting flexibility and responsiveness in government programs that are closer to the people they are meant to serve.

Some constitutional experts raised the concern that such a system would give provinces that chose to exercise authority in these areas double representation when federal MPs from their province vote on these issues, even though administration of the program had been passed to the province. We believe this concern is more academic than real. The current practice of the House of Commons is for all MPs to vote on issues before them, whether or not they affect their province. MPs from Central Canada and the Maritimes vote on legislation concerning the Canadian Wheat Board without a perception that this is illegitimate.

We recommend the creation of a list of economic development powers that are held concurrently between the provincial and federal governments but give the provinces paramountcy in taking the opportunity to legislate and receive tax authority over those powers.

SOCIAL COVENANT

Many Canadians have argued that the common values that link us together are expressed not just in our commitment to freedom and equality before the law; rather, the glue that holds the country together also takes the form of social programs designed to ensure all Canadians share in our economic good fortune. Canada's social programs, otherwise known as the safety net, enjoy wide support among British Columbians. Our Committee found little agreement, however, as to whether these programs should be included in our Constitution and no consensus about the means of enforcing compliance with a social charter. We have heard suggestions including use of the courts, creation of panels of experts to oversee and enforce the charter, and committees of federal or provincial politicians that would monitor a social charter.

We do not support a charter that would be subject to review and enforcement by the courts. In our view, questions concerning social programs -- programs that consume by far the largest portions of the budget of the

Province of British Columbia -- must be kept ultimately in the hands of elected representatives. Only elected governments are responsible to the people for raising and expending tax revenue; unelected judges should not be placed in the position of indirectly imposing taxes through their decisions.

Although we support the inclusion of a social covenant as an expression of common values, we believe that national social programs need much more concrete protection. A social covenant expressing the goals of Canadians would be better placed in the preamble or interpretative section of the Constitution than being set out as a discrete section.

It is clear that the main impetus to having a separate social charter is to prevent the disintegration of current national social programs: the Canada Assistance Plan and Established Programs Financing have been drastically cut by the federal government over the past several years. These two programs partially finance many of the social programs that Canadians wish to see protected -- social assistance, daycare, hospital and medicare and higher education. Because the federal government has initiated financing in these areas, often with 50 cent dollars and other incentives, they have encouraged provincial governments to skew their priorities towards these programs. Now that the programs have been established and consume the largest part of provincial revenues, the federal government has unilaterally withdrawn support. In British Columbia, this has cost our provincial government hundreds of millions of dollars and has seriously undermined the integrity of our key social programs.

We propose that existing social programs funded through the federal spending power should be constitutionally protected. Agreements between the federal and provincial governments should be protected, such as the CAP "contracts".

ABORIGINAL RIGHTS

Almost everyone who offered an opinion to us on the future of Canada deplored the present and past treatment of Canada's aboriginal people. British Columbians told us that they support the quick resolution of the historic grievances of aboriginal people. These grievances were presented to us eloquently, concisely and persuasively by aboriginal women and men. The Committee believes that the status quo is simply not acceptable anymore.

There is broad support for negotiating treaties with the aboriginal peoples of British Columbia and for creating new forms of aboriginal government that will address the unique need of First Nations. That is why we recommend the inclusion of an inherent right to self-government in the Canadian Constitution.

These issues must be settled on a government to government basis, with complex issues of resource management, tax base, jurisdiction over off-reserve aboriginal people, land base, non-aboriginal people living within the boundaries of aboriginal governments settled through negotiations. Creation in the Constitution of an inherent right accompanied by lists of powers would unduly complicate negotiations, as not all individual aboriginal governments wish to assume jurisdiction over certain powers, and transfers of powers must be considered together with the fiscal capacity to properly administer them.

On the other hand, aboriginal people are understandably concerned that the recognition of self-government may be an "empty box". They told us that such recognition without resolution of certain powers would be meaningless. The failed aboriginal conferences in the 1980s are a testament to the fears of aboriginal people that negotiations may never end.

We recommend that a system of arbitration be developed to resolve future differences between provincial, federal and aboriginal governments, with panels of arbitrators acceptable to all participants in the

negotiation. This method gives an assurance to all parties that negotiations will continue in good faith while at the same time ensuring as far as possible that the final agreement will be the product of mutually acceptable compromises, rather than imposed by the courts.

The Constitution must also address the issue of what position aboriginal governments hold within the document. An acceptable process must be developed that will permit aboriginal people to exercise their constitutional amending role.

Finally, there was discussion about the application of the *Charter of Rights* to aboriginal governments. Aboriginal representatives argue that with the special collective needs of their people, the Charter should not apply. Yet aboriginal women's groups argue strongly that they need the protection of the Charter from aboriginal governments just as much as from provincial and federal governments.

In our view, the *Charter of Rights* is sufficiently flexible that aboriginal governments can properly reflect the distinct needs of their people without abandoning basic human rights. Until such time as an aboriginal charter is developed and adopted that has broad support in the aboriginal community, our recommendation is that aboriginal governments should be subject to the *Charter of Rights*.

THE PROCESS FOR CONSTITUTIONAL RENEWAL

The Members' Committee on Constitutional Matters was struck in January 1992 . The setting up of this Committee was a promise kept to the people of our province that they would be consulted before the government established a position on amendment of the Constitution of Canada.

The government of British Columbia and the Special Committee on Constitutional Matters are mindful of the debacle that took place in June, 1990. The bitterest legacy of the Meech Lake amendments to the Constitution was the public perception that changes were proposed based on back-room deals with "eleven men in suits". Our Legislative Committee therefore made a commitment to broad consultation with the people of British Columbia before the government entered formal negotiations with other governments. And that is why our Committee recommends that a referendum on proposed amendments to the Constitution be held.

It is our view that the combination of provincial legislative committees, the Spicer Commission, federal legislative committees, and the five federal conferences on the amendment process have resulted in unprecedented public involvement; indeed, we can think of no other public policy issue that has received more attention in recent memory than the current round of constitutional negotiations.

In addition, we believe that negotiations are more inclusive now than they have been at any point in Canadian history, including the continuing participation of territorial and aboriginal representatives.

It is our view that this Report, based on hundreds of written and oral submissions by British Columbians, is a sufficient mandate for the government to negotiate a satisfactory amendment to the Constitution on behalf of the people of British Columbia.

We freely acknowledge that many future negotiations will have to take place between officials, Ministers Responsible for the Constitution, and First Ministers. We also accept that many of these meetings will have to take place behind closed doors, just as labour negotiations, contract negotiations between businesses, and international treaty negotiations must take place in private.

We also accept the need for private negotiation just because the process of amending the Constitution will require that every party compromise: by offering compromises in public, each party risks being locked into

particular positions which will of course make the give and take of negotiations impossible.

We therefore support the use of this Report as the initial contribution of British Columbia to the debate on national unity, noting that whatever final amending proposal emerges at the end of the process must be approved in a provincial referendum.

CONCLUSION

Premier Harcourt's motion whereby the Special Committee on Constitutional Matters was established required the Committee to "consult broadly" with British Columbians. We have done so and the experience has been a unique and valuable one for all Committee members.

Though the Committee detected attitudes of impatience and intolerance from individuals, the great majority of British Columbians clearly manifested their openness to the needs and the views of others. We were also consistently impressed with British Columbians' love of their country.

If the constitutional amendments that are finally developed do honour and mirror the principles that we outlined at the beginning of this Report, then we are confident that the amendments will be met with widespread approval in our province. Many witnesses for our Committee emphasized that they were Canadians first and British Columbians second and we would offer our proposals in that same spirit.

Finally, we must urge both our government and all governments in Canada to resolve the question of amending our Constitution fairly, justly, and expeditiously, and we suspect the vast majority of British Columbians, abhor talk of "future rounds" of constitutional amendment. The Constitution has dominated the national agenda for far too long, and has consumed the best efforts and energies of our people when they could be better expended on our many other pressing social and economic and environmental problems. There is no question that we need to make Confederation more flexible and efficient while addressing the needs of the regions and minorities and ensuring that nobody is left out of this set of constitutional amendments. The message came to us loud and clear, however, that the time for talking about the basic law that governs us is over. The time has come to establish the law and get on with the business of treating each other better and doing things better than has been done in the recent past.

Appendix A: Recommendations - Interim Report of the Members' Committee on the Constitution

Recommendation # 1

Your Committee recommends that:

a. the government adopt the recommendations contained in the Preliminary Report of the Select Standing Committee on Constitutional Matters and Intergovernmental Relations; and

b. pursue through a subsequent Legislative Committee, the observations contained in the above Report in the context of your Committee's Terms of Reference.

Your Committee believes that in the absence of the Legislative Assembly having the previous Committee's Report to debate, the current government should formally accept it.

While recognizing that, in part, the government may have already addressed some of the components of its predecessor's Report and that your Committee is the result of those recommendations, the following issues are being analyzed:

1. the most effective and appropriate process for ensuring that the views and values of British Columbians are clearly reflected in British Columbia's position on constitutional issues;

2. the most effective and appropriate means for convening a constitutional conference in British Columbia representing the views of British Columbians;

3. analyzing proposals for constitutional change brought forward in British Columbia or elsewhere in Canada; and

4. the most effective and appropriate means of enhancing the levels of awareness and knowledge of British Columbians concerning the issues involved.

Recommendation # 2

Your Committee recommends that the process for effective consultation among British Columbians take the following forms:

a. province-wide roundtable thematic discussions that involve interactive use of television such as the Knowledge Network;

b. public meetings and consultations throughout all regions of British Columbia with representative community input in each region; and

c. sensitivity to, and access for, the multiplicity of socio-economic groups in British Columbia.

Recognizing that a constitution is a document reflecting the many values of society and grows and adapts to a changing society, your Committee believes that the process for constitutional reform requires the widest possible exposure to solicit intelligent and informed debate. As seen elsewhere in Canada, the process is fundamental to the success of constitutional renewal and that everyone be afforded the opportunity to participate. **Participation is a cornerstone of parliamentary democracy.**

Recommendation # 3

Your Committee recommends that a process for accumulating and analysing all proposals should be performed by the appropriate Government Ministry. Deposit of the results should be made available in the Legislative Library or other suitable location. Highlights and themes that may be considered the more prominent and requiring government attention include:

a. recognition of distinct society for Quebec;

b. federalism and the division of powers;

c. **aboriginal rights and self-government;**

d. **economic policy and social responsibility;**

e. **women and minority representation in Canadian society; and**

f. **parliamentary reform of political institutions.**

Polls taken since the report of your Committee's predecessor illustrate the continuing perplexity in the minds of many Canadians. For example, the economy supplants all other issues as the most important problem confronting the country. Most Canadians remain uninformed about the recent reforms package being promoted by the Federal Government. Sixty-two percent had no opinion when surveyed, twenty-five percent opposed the package, with only thirteen percent actually in favour of it. In British Columbia this was translated into 66 % offering no opinion, 20 % opposed and 13 % in favour of the twenty-eight point federal plan. Fully 77 % knew little or nothing of the proposals. This figure translated across the entire education system from public school through university. **It is vital that the Government of British Columbia be proactive within the evolving constitutional debate.**

A continuing analysis of constitutional proposals is being undertaken by your Committee particularly in light of the recent series of federal constitutional conferences, the special joint parliamentary committee reporting soon and the Ontario Legislative Committee publishing its findings.

Recommendation # 4

Your Committee recommends that public education should be an integral component of the constitutional renewal process, recognizing the time constraints of national and provincial events unfolding in the immediate future. Also recognizing the need for long term objectives of continuing education there should be the development of :

a. **information and education kits which will facilitate public debate in the coming months;**

b. **educational programs and materials for all levels of the education system which encourage broad public discussion;**

c. **utilization of the Open Learning Institute and the Knowledge Network; and**

d. **MLA involvement at the constituency level.**

The ingredients that contribute toward public education should be developed by your Committee or its successor in conjunction with the appropriate professionals.

Recommendation # 5

Your Committee recommends that the Select Standing Committee on Constitutional Matters and Intergovernmental Relations be constituted early in the First Session of the Thirty-fifth Parliament to continue the work of this all-party Committee and pursue other matters of interest to the Legislative Assembly, the Government and the people of British Columbia.

Recommendation # 6

Your Committee recommends that subsequent to the tabling of the Federal Government's final proposals for constitutional reform, your Committee explore the possibility of convening in British Columbia a meeting of representatives of the Federal Parliament, the ten provinces, two territories and the Aboriginal leadership or their delegates to review the proposals. Such a meeting would provide direction to the First Ministers.

Appendix B: Briefs Submitted

Your Committee received the following written submissions since January 9, 1992. Included in this list are written submissions received by the Office of the Clerk of Committees during the period August 15, 1991 to date. Your Committee has yet to determine an advertising program which would satisfy its objectives, however, the Office of the Clerk of Committees has been the focal point for the receipt and dissemination of information related to the issues.

411 Seniors' Centre Society **MC 196/92**

Abbott, George **MC 130/92**
Adamschek, Edward **MC 170/92**
Adamson, Lorne **MC 140/92**
Adamson, Jane **MC 129/92**
Anderson, David **MC 167/92**
Anderson, Susan **MC 128/92**
Atkins, Lynn **MC 105/92**
Auger, Graham **MC 96/92**

B.C. Parents for French **MC 153/93**
Bailey, Lloyd **MC 98/92**
Beairsto; Collins; Holroyd **MC 135/92**
Belcher, Jessie **MC 91/92**
Bell, Florence **MC 10/92**
Bibby, John **MC 152/92**
Booiman, Mr. **MC 216/92**
Boulter, Joe **MC 7/92**
Bourne, J. **MC 107/92**
Boyko, Vern **MC 118/92**
British Columbia Chamber of Commerce **MC 54/92**
British Columbia Parents for French **MC 51/92**
British Columbia Coalition of People with Disabilities **MC 86/92**
British Columbia Teachers' Federation **MC 179/92**
British Columbia Provincial Council of Carpenters **MC 210/92**
Brodsky, Gwen **MC 53/92**
Brown, Robert J. **MC 226/92**
Bysouth, Eric **MC 200/92**

Caldwell, Ken **MC 223/92**

Canadian Committee for a Triple E Senate MC 230/92
Canadian Organization of Small Business Inc. MC 209/92
Causer, D. MC 231/92
Chapman, Margaret MC 160/92
Christensen, Lissy MC 162/92
Clark, Bruce MC 168/92
Co-Operative Housing Alliance of B.C. MC 211/92
Co-operative Housing Federation of Canada MC 233/92
Cole, Dacre MC 83/92
Community Arts Council of Vancouver MC 224/92
Community of British Columbia and Constitutional Reform Thompson, K.S. MC 174/92
Concerned Nurses for Patients MC 192/92
Connolly, P.H. MC 49/92
Cooper Reinforcement Steele Co. MC 148/92
Council of Canadians MC 67/92
Council of British Columbia MC 157/92
Cowan, Keith MC 82/92
Croft, Peter MC 169/92
Cronk, Edward MC 218/92
Cruse, Peter MC 175/92

De Wit, Antoinette MC 190/92
Deeprose, Donald MC 137/92
Dennison, John MC 195/92
Dialogue Canada MC 76/92
Dobson, Robert MC 47/92
Dove of Peace Publishing Co. Ltd. MC 197/92
Dumstrey-Soos, Leon MC 113/92
Dunbar, Roy MC 229/92

End Legislated Poverty MC 208/92
Endrody, Eugene MC 222/92

Foster, Marion MC 178/92
Foster, Hamar MC 73/92
Friends of Canada MC 89/92

Garisto, Mike MC 214/92
Godbout, Gaston MC 92/92
Goldfeder, Harold MC 95/92
Good, Brenda MC 138/92
Goostrey, Mr. and Mrs. MC 78/92
Grzegorek, John MC 166/92
Gunn, D.C. MC 108/92

Hali, Peter MC 221/92
Haslam, J.R. MC 232/92
Ham, Ken MC 145/92
Hardwick, Dr. Walter MC 52/92
Hardy, Charles and Phyllis MC 165/92
Hickey, Maureen MC 212/92

Inglis, Mildred MC 127/92
Irvine, Dr. Andrew MC 77/92
Irving, Joe MC 143/92

Kirby, Gerald MC 8/92
Kitimat Chamber of Commerce MC 227/92
Kittleson, M.E. MC 109/92
Knaus, Jacob MC 71/92
Kohn, Robert MC 46/92
Krampe, William MC 72/92
Kristianson, Gerry MC 102/92

Laichkwiltach Nation MC 163/92
Lebeau, Anne MC 154/92
Lee, William MC 217/92
Lee, William MC 104/92
Little, Jim MC 134/92
Loosmore, Robert MC 93/92

Mack, Gordon MC 131/92
MacKay, John MC 184/92
MacRitchie, N.D. MC 139/92
Marley, David MC 206/92
Marsh, C.B. MC 183/92
Marsh, Fred MC 146/92
Matreson, Hugh MC 68/92
Maxwell, Mr. and Mrs. MC 112/92
McCormick, Doug MC 191/92
McTimins, Harry MC 149/92
Michell, Helen MC 188/92
Mining Association of British Columbia MC 66/92
Miscellaneous Correspondence received by the Office of the Premier MC 69/92
Molloy, Ann MC 181/92
Moore, G.E. MC 120/92
Moro, Allison MC 141/92
Muldoe, Raymond MC 144/92
Mulligan, Bernie MC 121/92
Mulligan, Terry and Joyce MC 119/92
Munro Donald MC 99/92
Musqueam/Slish Parks Residents' Association MC 194/92

Open Learning Agency MC 60/92
Osbourne, Thomas MC 94/92

Page, L.W. MC 50/92
Page, Malcolm MC 9/92
Pelter, J.A. MC 75/92
Phillips, Molly MC 182/92
Popovich, Gilbert MC 161/92
Porter, Bruce MC 207/92
Premier's Advisory Council for Persons with Disabilities MC 87/92
Prozorovsky-Halsall, W. MC 6/92

Raun, S. MC 202/92
Reform Party of British Columbia MC 229/92
Reay, David MC 204/92
Rehwald, Sylvia MC 97/92
Rempel, Jacob MC 199/92
Richmond Women's Resource Centre Association MC 115/92
Roales, Charles MC 125/92
Robertson, John MC 173/93
Ross, Ron MC 142/92
Rowsome, Gerald MC 213/92
Runacres, P.A. MC 136/92
Rushton, C.E. MC 103/92
Ryan, Bill MC 100/92

Sampson, John MC 176/92
Schurr, Ruben MC 123/92
Seward, L.B. MC 106/92
Sexton, Lorne MC 111/92
Seymour, I.R. MC 180/92
Shelford, Cyril MC 117/92
Smith, G. MC 122/92
Smith, Lynn MC 45/92
Spirit of Canada MC 132/92
Springer, David MC 172/92
Steele, Jim MC 110/92
Sterloff, Wayne MC 74/92
Stobbart, Eric MC 114/92
Sullivan, Dorothy MC 185/92
Sullivan, Dr. Harry MC 62/92
Swainson, Neil MC 177/92
Swankey, Ben MC 205/92
Szreder, Rudy MC 116/92

Talbot, Richard MC 171/92
Tarplett, Robert MC 193/92
Tenants Rights Action Coalition MC 88/92
Thurgood, M.F. MC 201/92
Tsimshian Tribal Council MC 147/92
Turner, Cliff MC 225/92

Unknown MC 203/92
Unknown MC 198/92
Unknown MC 215/92

Vancouver Board of Trade MC 48/92

West Coast Legal Education and Action Fund MC 64/92
West End Seniors Network MC 90/92
Whalen, Brenda MC 220/92
Williams, C.D. MC 101/92
Willis, Charles MC 133/92

Willis, Mr. MC 126/92
Wolff, A. Olaf MC 151/92

Zak, Teresa MC 124/92

Appendix C: Participants

The following individuals, groups, associations and companies appeared before the Committee for the purposes of exchanging views related to the consultative process and substantive issues inherent in the Canadian Constitution.

Abbott, George
Adamson, Lorne
Adamson, Jan
Agnew, George
Anderson, Judith
Anderson, David
Anderson, D.B.
Andrews, Bill
Angus, Jennifer
Arbuckle, Herb
Ardill, John
Arseneault, Joe
Arthur, Jan
Astin, Don
Aulakh, Pritnam Sing
Austin, Don

Bachmeier, A.
Bakan, Joel
Baker, Ed
Ballantyn, G.S.
Banford, Alan
Bassett, Charlie
Beaucamp, Ernest
Beck, D.
Bedell, Jeff
Bentley, G.
Bentley, D.
Berg, Hal
Berger, Thomas
Berlanda, Casey
Bertram, Bud and Barbara
Besille, Gaston
Bieganski, Kevin
Bigsby, Jim
Bill, Vogel
Blais, Moe

Bloor, Dennis
Booiman, Svan
Boulter, Joe
Bourelle, Wally
Bourgeois, Marie
Boyd, Charles
Bradford, Charles
Bradley, David
Brady, Ray
Brinnen, B
Brinnen, W.
British Columbia Chamber of Commerce
British Columbia Coalition of People with Disabilities
British Columbia Environmental Network
British Columbia Federation of Labour
British Columbia Mining Association
Brownfield, Kitty
Buchstein, G.
Bulwer, Perry
Burge, Bill
Burn, Hienz
Butler, Dale
Bysouth, Erick

Caldwell, Ken
Calnen, Dale
Cameron, Peter
Campbell, Hector
Canadian Bar Association
Canadian Parents for French
Cardin, Heather
Carnie, Ian
Carrier-Sekani Tribal Council
Champion, Doug
Chatt, Vic and Barb
Cherinck, Frank
Christie, Douglas
Clark, Brad
Clark, Frank
Clark, Stuart
Clauier, Andre
Clay, Dorothy
Cole, Dacre
Cole, Carman
Colebrook, Isabel
Collins, Robert
Copeland, Derek
Council of Canadians
Couto, Mike
Cowan, Keith
Croft, Peter

Cronk, Edward
Croutch, Marilyn
Cruse, Peter
Cuddeford, Margaret and Len
Cunning, Joan
Cyderman, Bernie
Daniels, Vive
Davies, Lise
Day, Sheilagh
Dean, Elsie
Deeprose, Donald
Deichmann, Harry
Dennison, John
Dialogue Canada
Dick, Jack
Diggins, Joyce
Dilley, Z.
Dobell, Ian
Dodson, Robert
Douglas, Bob
Duke, Roger
Dunbar, Roy
Dunphy, T.
Dunstrey-Soos, Leon

Easton, Bill
Edwards, Basil
Embreus, Dorothy
End Legislated Poverty
Eriksen, Roy
Evans, Ralph

Faehmel, Dieter
Fehr, Valoria
Fisher, Art
Fister, Harry
Fleming, Robbie
Forest, Jean-Luc
Foster, Hamar
Fox, Jeff
Frazer, Sue
Freeze, Russell
French, D.
Friends of Canada
Friesen, Benno
Fukushime, Emiko
Fulk, Jim
Fyles, Dick

Gallagher, Paul
Gamache, Mark
Gamble, Ron
Garisto, Mike
Garveal, W.
Gervais, Pearl
Ghaed, Sylvia
Gibb, Mr. and Mrs.
Gilbert, Joseph
Gilbertson, Stuart
Gillott, Lawrence
Gilmour, Susan
Gilmour, William
Goffinet, Rob
Goodwin, Norman
Gould, Frank and Ruth
Gray, Howard
Greeneway, Steven

Haines, Alfred Rae
Halbauer, Bill
Halber, Max
Hall, Sue
Hamilton, William and Joyce
Hannaford, Heather
Hansen, John
Hardwick, Walter
Hatch, Sandra
Hawker, Colin
Hermes, Jeannette
Hilbert, Steve
Hill, Jay
Hohendel, Olive and Lou
Houley, Larry
Huk, Walter
Hunter, Russell
Husoy, Foster

Inglis, Mildred
Intermela, Terry

Jaarsma, Jim
Jackson, Robert
Jardine, Candace
Jensen, B.
Jensen, Gus and Edna
Jensen, John
Jensen, Renee
Johnson, Victor

Johnston, Wm. Glenn
Jones, Cecil
Jones, Lone
Jordan, Jim
Judge, Joseph
Julian, Terry and Ruth

Kadenbach, Konny
Kelly, John
Kennelly, Brian and Elsa
Kenzie, Russell
Ketteringham, Mike
Kibblewhite, Lloyd
King, Peter
King, Gerald
Klenner, Darrel
Knaus, Jakob
Knight, Don and Melva
Knowledge Network
Kosick, Mike
Koss, Art
Kossc, Leonard
Krampe, Bill
Kristianson, Gerry
Kucey, Peter
Kursky, Eva
Kusk, Bill
Kwasistala, Russell

LaBoucane, Audrey
Lakes, John
Lakusta, G.
Lang, Eileen
Langton, John
Lavalle, Ed
Lavallee, Norm
Leahy, Jean
Lebeau, Anne
Lee, Bill
Lenny, William
Lenny, Gordon
Lester, Peter
Lethbridge, Paul
Lett, Pat
Leung, Tu C.
Loosemore, Robert
Loro, Riccardo
Lucan, Brian
Lypte, Art

MacConnachie, H.F.
MacDonald, Jack
MacDonald, Gillian
MacDonald, Brock
MacGregor, Wade
Mack, Gordon
Mackie, Martha
MacRitchie, Norm
Madill, Jo
Main, Don
Malin-Hall, Nichola
Malloy, Ann
Mansfield, Roy
Marthinson, Henry
Martin, Frank
Matheson, Cammy
Matheson, Hugh
Matheson, Robert
McClure, Betty
McDonell, Donald
McDougall, David
McEachern, Gilbert
McKegney, Doug
McKenna, Thomas
McKinnon, Dave
McKinnon, Cecile
McLennan, Ken
McMurphy, Muff
McNish, John
McQuarrie, Ross
McTimins, Harry
McVea, J. Morrison
McWhinney, Q.C., Edward
Melanson, Frank
Mendham, Trevor
Mettam, Don
Meyerhofrf, John
Middleton, Jane
Miller, Roy and Hilda
Mills, Steve
Milne, Helen
Miltimore, Mr. and Mrs.
Minger, Jim
Minhas, L
Mitchell, Helen
Mitchell, John
Moon, Margaret
Morford, Lorna
Morgan, Wilfred
Morley, Brenda
Moro, Gabriella
Morris, Paul

Morrison, Brent
Morrow, Valerie
Mosdell, William
Mott, Oliver
Moulton, Margery
Muchalla, G.
Mudge, Wynn
Muldoe, Raymond
Munro, Ted and Anne
Mussallem, George and Grace

Nattrass, Eileen
Nicol, Patrick
Nobbs, William
Nobel, Ernest
Norris, William
Nvakowski, Ken

O'Shea, Dan
Oliver, Thelma
Osborne, Tom

Paganesco, Lucian
Page, Chris
Paged, Malcolm
Palmer, Don
Parish, Sheri
Parker, Eunice
Parker, Frank
Pedersen, Judy
Peers, A. Digby
Pellikaan, Arjen
Pelter, John
Penner, Leonard
Perkins, Vi
Pettipas, Harry and Judith
Phillips, Molly
Piazza, Johnny
Pierce, Jean
Popat, Imtiaz
Porritt, Jean and Stan
Premier's Advisory Council for Persons with Disabilities
Prior, John
Public Interest Advocacy Centre
Pushak, Marie and Frank

Quocksister, George

Radi, Mike
Ramsdale, Sharon
Reay, David
Rebalkin, Mike and Helen
Rehwald, Gerry
Rempel, Jacob
Rendenbach, Sieg and Shireen
Richards, David
Rivard, Pierre
Roberts, J.G.
Robertson, John M.
Robertson, Pearl
Robinson, Jean and Bill
Robinson, Myrna
Robson, C.M.
Robuck, Gordon
Rogers, Brent
Ronacres, A.
Rosales, Ed
Rosner, J.
Rowe, Norma
Rowsome, Gerald
Royds, Davey
Ruff, Norman
Rull, Evelyn
Rushton, C.E.
Russo, Anne
Rutledge, Greg
Ryder, Bruce

Saltzman, Cy
Samson, John
Sandberg, William
Sara, Harkirpal
Saxton, Joan
Scott, Mike
Sexton, Lorne
Seymour, Ian
Shefer, John
Sherman, Chuck
Shields, John
Shirra, Angela
Shorter, Jim
Simpson, Shane
Simpson, Victoria
Skopnik, Wanda
Slezak, Ross
Smith, Lynn
Smith, Q.C., Mel
Smith, Bud
Staebe, Ben

Steele, C.
Stenson, Margaret
Stephens, Bill
Stern, Joel
Sterritt, Art
Stevens, Heather
Steward, Beverly
Stolarchuck, Louis
Strachan, Bruce
Stubley, Noreen
Sullivan, Harry
Sullivan, Dorothy
Sundberg, Alice
Sutton, Frank
Swainson, Neil
Swanson, Amy and Bob
Swanson, Jean
Tarplett, Bob
Taylor, Paul
Taylor, Marilyn
Tenants Rights Action Coalition
Terry, George
Thiesen, Isaac and Marjorie
Thompson, Kenneth
Thompson, Neil
Thompson, Robert
Thompson, Patrick
Thomson, Ross
Thomson, Katherine
Thorlakson, Steve
Thurgood, Mervyn
Toth, Anthony
Toupin, Anne
Turner, Cliff

United Native Nations

Vander Beek, William
Varma, N.K.
Vaughan, Glenn
von Dehn, Cecilia

Wager, Gary
Wagner, Ron
Wagner, Dale
Wahlen, Brenda
Wall, Fred
Wall, J.

Wallace, Steve
Walsh, Peter
Wardroper, Kenneth
Warn, Bill
Watson, Ron and Hilda
Watson, Bruce
Webb, Kay
Webster, A.W.
Wells, Jim
Wennerstrom, Arnold and Vera
Wheatley, Andrew
Whincup, Greg
Whitelegg, Margaret
Williams, Betty and Richard
Wilson, Mary McKenna
Witherly, Rhoda
Witt, Helen and Elmer
Wood, Danielle
Wood, John
Worthing, Reg
Wright, June

Young, John

Zbitnew, Joseph
Zimmering, Suzanne

Appendix D: Research Documents

Many sources of information currently exist that should be examined. For example, since August 15, 1991, more than 170 new citations related to the Canadian Constitution have appeared in the Canadian Business Index; more than 120 articles can be found in the Canadian Magazine Index; more than 252 stories have appeared in the Globe and Mail; 698 in the Montreal Gazette; 438 in the Vancouver Sun; 698 in the Edmonton Journal; 856 in the Ottawa Citizen; 118 in the Winnipeg Free Press; and 77 in the Halifax Chronicle Herald.

Using the research documents accumulated by its predecessor the following is a further and partial list of research documents obtained by your Committee, to date.

An Action plan for Canada in Maclean's; January 6, 1992 **MC 36/92**
Alternatives '91; constitutional tour guide by the Canada West Foundation **MC 23/92**
Alternatives '91; a roadmap for constitutional change by the Canada West Foundation **MC 20/92**

The Bottom line: the economics of federal renewal by the Canada West Foundation **MC 18/92**
A Blueprint for Senate reform in Western Perspectives; December 1990 **MC 21/92**
British Columbia Public Interest Advocacy Centre; 10 year report, 1981-1991 **MC 58/92**
A British Columbian responds to Canada's constitutional proposals by Ralph Sultan **MC 35/92**

Canada: the state of the federation 1991 by Professor Norman Ruff **MC 61/92**
Canada reconsidered: a constitutional primer by the Globe and Mail **MC 24/92**
Rebuilding a Canadian consensus; analysis of the Federal Government's proposals for a renewed Canada by the Canadian Bar Association **MC 59/92**
Canadian Hunter: a statement by James Gray **MC 32/92**
A Canadian Social Charter; making our shared values stronger by Ontario Ministry of Intergovernmental Affairs **MC 39/92**
The Challenge before us by Native Council of Canada **MC 57/92**
Citizens and government: who decides? by the Canada West Foundation **MC 17/92**
Citizens Forum on Canada's Future: Report to the people and Government of Canada [selected notes] **MC 85/92**
Conference summary by the Canada West Foundation **MC 19/92**
Constitutional task force reappointed in Government of Saskatchewan News Release **MC 27/92**

Distribution of powers and functions in federal systems by the Government of Canada **MC 16/92**

Economic union: notes on the federal proposals in Network Analysis; December 1991 **MC 34/92**
English Canada and Quebec's rendezvous with independence (The Martland Lectures) by Thomas Berger **MC 42/92**
The European Community: a political model for Canada? by the Government of Canada **MC 13/92**

Getting a foothold in The Network; November-December 1991 **MC 33/92**

Hardline positions result of current constitutional process in Government of Saskatchewan News Release **MC 28/92**
The History of Canada's constitutional development by the Government of Canada **MC 14/92**

The Network; newsletter of The Network of the Constitution MC 30/92; MC 30a/92
Notes for a speech by the Right Honourable Joe Clark ... to the Conference on the Renewal of Canada: institutional reform **MC 26/92**

Our parliamentary heritage by Claude Ryan **MC 80/92**

Parliamentary Committee reorganized in Constitution Update; December 1991 **MC 40/92**
The Path to electoral equality by the Committee for Aboriginal Electoral Reform **MC 11/92**
Presentation on the Federal Government's proposals: Shaping Canada's future together; to the Special Joint Parliamentary Committee on a Renewed Canada by Gordon Wilson, MLA **MC 38/92**

Re-ordering Canada 1992 and the Constitution: who cares? by the Open Learning Agency **MC 60/92**
Renewal of Canada; briefing papers on institutional reform by the Canada West Foundation **MC 43/92**
Renewal of Canada - Institutional Reform by Canada West Foundation **MC 55/92**
Responsive institutions for a modern Canada by the Government of Canada **MC 12/92**

Select Committee on Ontario in Confederation: Final Report **MC 81/92**
Shaping Canada's future together: proposals by the Government of Canada **MC 15/92**
Shaping Canada's future together: discussion guide for participants in Canada's constitutional renewal **MC 25/92**
Sharing politics and principles: institutional reform in Canada in Network Analyses; January 1992 **MC 29/92**
The Social Charter debate: should social justice be constitutionalized? in Network Analysis; January 1992 **MC 31/92**
Special Joint Committee on the Amending Formula by Bud Smith, Q.C. **MC 41/92**
Squaring politics and principles: institutional reform in Canada in Network Analyses; January 1992 **MC 29/92**
Submission to the Special Joint Committee on a Renewed Canada by the Honourable Moe Sihota **MC 37/92**
Submissions to the Special Joint Committee on a Renewed Canada [British Columbia] and list of witnesses to the Committee [Canada] MC 44/92

To nobly save by the Honourable Gordon Robertson **MC 79/92**
Towards a new covenant by the Native Council of Canada **MC 56/92**

Western economy and Canadian unity in Western Perspectives; March 1987 **MC 22/92**